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An Act To Ensure Safety on Freshwater Ferry Vessels

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 12 MRSA Pt. 13, sub-Pt. 8 is enacted to read:

SUBPART 8

FRESHWATER FERRIES

CHAPTER 943

FRESHWATER FERRIES

§ 13301. Application

This chapter applies to a ferry of less than 100 gross tons that carries 12 or more passengers on waters of the State. This chapter does not apply to a ferry operating exclusively on waters that are navigable waters of the United States that are under the jurisdiction of the United States Coast Guard. A ferry under this chapter must be in compliance with the terms of this chapter at all times when operating with a passenger on board.

§ 13302. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Accredited marine surveyor. "Accredited marine surveyor" means a marine surveyor accredited by a nationally recognized marine surveying society.

2. AMSSR. "AMSSR" means an accredited marine surveyors safety report.

3. Conversion. "Conversion" means a reconstruction of a vessel that:

A. Substantially changes the dimensions or carrying capacity of the vessel;

B. Changes the type of the vessel;

C. Substantially prolongs the life of the vessel; or

D. Otherwise changes the vessel so that the vessel is essentially a new vessel.

4. Ferry. "Ferry" means a vessel that has a passenger or vehicle deck and operates on a short run on a frequent schedule between two points over the most direct water route.

5. Master. "Master" means the individual having command of a vessel and who is the holder of a valid license under section 13063 authorizing the individual to serve as master of a small passenger vessel.

6. Passenger. "Passenger" means an individual carried on a vessel except:

A. The owner or representative of the owner or, if a vessel is under charter, a charterer or representative of the charterer;

B. The master; and

C. A member of the crew engaged in the business of the vessel who has not contributed consideration for carriage and who is paid for on-board services.

7. Vessel. "Vessel" means a watercraft or other artificial contrivance used or capable of being used as a means of transportation on the water.

§ 13303. Accredited marine surveyors safety report

1. Accredited marine surveyors safety report. A ferry under this chapter may not be operated without a valid AMSSR. A ferry must have the AMSSR on board during operation. An AMSSR is valid for one year. An AMSSR may be suspended or revoked by the Secretary of State at any time for noncompliance with the provisions of this chapter. An AMSSR issued to a ferry must include:

A. A description of the ferry;

B. The route that the ferry may travel;

C. The minimum staffing requirements of the ferry;

D. The survival and rescue craft carried on the ferry;

E. The minimum amount of fire extinguishing equipment and number of personal flotation devices required to be carried on the ferry;

F. The maximum number of passengers and total individuals that the ferry may carry;

G. The number of passengers the ferry may carry in overnight accommodation spaces;

H. The name of the owner and managing operator of the ferry; and

I. Any equivalences accepted or authorized and any other condition of operation determined appropriate by the accredited marine surveyor issuing the AMSSR.

An AMSSR must be posted on board under glass or other suitable transparent material with all pages visible and in a conspicuous location where observation by a passenger is likely. If posting is impractical, the AMSSR must be kept on board in a weathertight container readily available for use by the crew and display to a passenger on request.

2. Initial issuance. The application for an initial inspection and issuance of an AMSSR of a newly constructed or converted ferry must be submitted to the accredited marine surveyor prior to the start of the construction or conversion. An accredited marine surveyor shall approve the construction, arrangement and equipment of a proposed ferry. The accredited marine surveyor may inspect drawings, calculations, specifications and other available information in conducting the initial AMSSR. After the construction or conversion, the accredited marine surveyor shall physically inspect the ferry and the equipment under section 13304 before issuing the AMSSR.

§ 13304. Inspection

1. Inspection. A ferry must be physically inspected by an accredited marine surveyor before an AMSSR is issued under section 13303.

2. Initial inspection. An initial inspection must be conducted by an accredited marine surveyor for a newly constructed or converted ferry. The initial inspection must ensure that the ferry and its equipment comply with the provisions of this chapter and the approved plans, manuals and calculations under section 13303, subsection 2. The inspecting accredited marine surveyor shall ensure the materials, workmanship and condition of all parts of the ferry and its machinery and equipment are satisfactory for the service intended. An initial inspection must include inspection of the following:

- A. The arrangement, installation, materials and scantlings of the structure, including the hull and superstructure and all yards, masts, spars, rigging, sails, pipes, main and auxiliary machinery, pressure vessels, steering apparatus, electrical installations, fire resistant construction material, lifesaving appliances, fire detecting and extinguishing equipment, pollution prevention equipment and other installed equipment;
- B. Sanitary conditions and fire safety conditions;
- C. Any required certificates and operating manuals, including any certificates necessary for operation issued by the Federal Communications Commission; and
- D. The ferry components listed in section 13305.

3. Renewal. An inspection for a renewal of an AMSSR must have the same scope as an initial inspection under subsection 2, but an accredited marine surveyor may conduct the inspection in less detail unless the surveyor finds or suspects a deficiency or determines a substantial change to the ferry has occurred since the last inspection.

4. Repairs and alterations. A repair or alteration to the hull, machinery or equipment of a ferry that affects the safety or operation of the ferry may not be made without the prior approval of the accredited marine surveyor who issued the most recent AMSSR for the ferry, except during an emergency. If a repair or alteration is made to a ferry during an emergency, the owner, managing operator or master shall notify the accredited marine surveyor who conducted the most recent AMSSR for the ferry as soon as practicable. The owner or managing operator shall submit a drawing, sketch or written specification

as required by the accredited marine surveyor for a repair or alteration, except for a replacement in kind under paragraph C. The accredited marine surveyor may inspect or test a repair or alteration. A repair or alteration that affects the safety or operation of a ferry includes, but is not limited to:

- A. Replacement, repair or refastening of deck or hull planking or plating or a structural member;
- B. Repair of a plate or a frame crack;
- C. Repair or replacement of a damaged electrical wire, fuel line, tank, boiler or other pressure vessel or a steering, propulsion or power supply system other than a replacement in kind;
- D. An alteration that affects the stability of the ferry; or
- E. Repair or alteration of lifesaving, fire detecting or fire extinguishing equipment.

5. Installations. An owner or managing operator of a ferry shall notify the accredited marine surveyor who conducted the most recent AMSSR for the ferry prior to the installation or replacement of a fixed gas fire extinguishing system, machinery, a fuel tank or pressure vessel. The owner or managing operator shall test the equipment and make the results of the test and a sketch, drawing or specification of the installed equipment available upon request to the accredited marine surveyor. An installation under this subsection may not be conducted without the approval of the accredited marine surveyor who conducted the most recent AMSSR for the ferry.

6. Other inspection requirements. This section does not preclude an accredited marine surveyor from conducting any other test or inspecting any other component of a ferry to ensure the ferry's seaworthiness in the issuance of an AMSSR.

7. Notice of inspection deficiencies and requirements. An accredited marine surveyor shall discuss with and provide a written list of all defects or violations of this chapter of a ferry discovered during an inspection under this section to an owner or managing operator of the ferry and provide the time frame for the defect or violation to be cured. If a defect or violation of this chapter presents a serious safety hazard to the ferry or a passenger or crew member of the ferry, the accredited marine surveyor shall issue a report of violation that must be cured before the ferry may be operated while carrying a passenger.

8. Owner responsibilities. The owner or managing operator or the owner's or managing operator's agent shall:

- A. Be present at an inspection of a ferry;
- B. Maintain inspection requirements for a ferry during operation of the ferry between inspections;
- C. Conduct a weekly inspection and test of every portable and semiportable fire extinguisher and fixed gas fire extinguishing system per prevailing industry standards. The inspection and testing required under this paragraph may be conducted by a qualified service technician or facility;
- D. Conduct periodic inspections and testing of a pressure vessel or boiler as required by 46 United States Code, Subtitle II;

E. Conduct all system tests prior to the inspection and make the following ferry components available for inspection:

(1) The installation and condition of personal flotation devices;

(2) Machinery, fuel tanks and pressure vessels;

(3) Watertight bulkheads;

(4) Firefighting systems; and

(5) Smoke detectors, fire alarms and sensors and fire detecting systems; and

F. Make a repair or correct a deficiency required by an accredited marine surveyor within the time frame specified by the accredited marine surveyor under subsection 7.

9. Commissioner authority. The commissioner may conduct an inspection of a ferry under this section at any time. The commissioner may overturn a decision made by an accredited marine surveyor inspecting a ferry or clarify a requirement under this section upon request of the owner or managing operator of the ferry. The commissioner may prohibit the operation of a ferry if the operation of that ferry would violate this chapter.

§ 13305. Specific inspection requirements

As part of an inspection under section 13304, an accredited marine surveyor shall inspect the following specific ferry components:

1. Hull. The hull structure and its appurtenances, including:

A. All accessible parts of the exterior and interior of the hull, watertight bulkheads and weather deck;

B. All watertight closures in the hull, decks and bulkheads, including through hull fittings and sea valves;

C. The condition of the superstructure, masts and similar components constructed on the hull and spars, standing rigging, running rigging, blocks, fittings and sails;

D. Railings and bulwarks and the railings' and bulwarks' attachments to the hull;

E. Every dangerous place that requires a guard or rail;

F. The condition and operation of all weathertight closures above the weather deck and the provisions for drainage of water from an exposed deck; and

G. All interior spaces to ensure that they are adequately ventilated and drained and that all means of escape are adequate and properly maintained.

An inspection under this subsection must be conducted at least in part while the ferry is afloat and while the ferry is underway as required by the accredited marine surveyor;

2. Machinery. All machinery, fuel and piping systems, including:

A. The operation of the main propulsion machinery both ahead and astern;

B. An operational test and inspection of engine control mechanisms, including primary and alternate means of starting machinery;

C. Machinery essential to the routine operation of the ferry, including a generator and cooling system;

D. An external inspection of fuel tanks and inspection of tank vents, pipes and pipe fittings;

E. An operational test of valves in fuel lines by operating locally and at a remote operating position;

F. An operational test of overboard discharge and intake valves and watertight bulkhead pipe penetration valves;

G. An operational test of the means provided for pumping bilge; and

H. Machinery alarms, including a bilge high-level alarm;

3. Electrical. The electrical equipment and systems, including:

A. Cables as far as practical without undue disturbance of the cables or electrical apparatus;

B. Tests of circuit breakers by manual operation;

C. Fuses, including ensuring that the rating of a fuse is suitable for the use intended;

D. Rotating electrical machinery essential to the routine operation of the ferry;

E. Generators, motors, lighting fixtures and circuit-interrupting devices located in spaces or areas that may contain flammable vapors;

F. The condition of batteries and security of storage for batteries;

G. An operational test of electrical apparatus that operate as part of or in conjunction with fire detection or alarm systems installed on board the ferry by simulating as closely as possible the actual operation in case of fire; and

H. An operational test of emergency electrical systems;

4. Lifesaving. Lifesaving equipment and systems, including:

A. The condition and expiration date of each personal flotation device, work vest and marine buoyant device;

B. Passenger safety orientation cards or pamphlets, if available;

C. Ensuring that the ferry contains the number of adult-sized personal flotation devices equal to the maximum carrying capacity of individuals for the ferry under section 13306, subsection 1; and

D. Ensuring that the ferry contains the number of child-sized personal flotation devices in a number equal to:

(1) If any personal flotation devices are adult-sized or child-sized, 10% of the maximum carrying capacity of individuals under section 13306, subsection 1; or

(2) If all personal flotation devices are extended size, 5% of the maximum carrying capacity of individuals under section 13306, subsection 1.

An item of lifesaving equipment that has an expired expiration date must be replaced or that is in disrepair must be repaired before an AMSSR is issued. An item of lifesaving equipment that is defective and beyond repair must be destroyed in the presence of the accredited marine surveyor. In conducting an inspection, the accredited marine surveyor may require that an abandon ship or person overboard drill be held under simulated emergency conditions;

5. Fire protection. Fire protection equipment, including:

A. The general condition of and amount of corrosion, if any, on each hand portable fire extinguisher, semiportable fire extinguisher and fixed gas fire extinguishing system;

B. All piping, controls and valves and the operational testing of alarms and ventilation shutdown for each fixed gas fire extinguishing system;

C. Operation of the main fire protection system and the pressure of the system at the most remote outlet and highest outlet;

D. Testing of each hose to a test pressure equivalent to its maximum service pressure;

E. A check of each cylinder containing compressed gas to ensure the cylinder has been tested and marked in accordance with 46 United States Code, Subtitle II;

F. A test or renewal of a flexible connection and discharge hose on a semiportable fire extinguisher and fixed gas fire extinguishing system in accordance with 46 United States Code, Subtitle II; and

G. Testing of all smoke and fire detectors, including all sensors and alarms.

The owner, managing operator or master shall destroy each hose that is defective and beyond repair in the presence of the accredited marine surveyor. In conducting an inspection of fire protection equipment, the accredited marine surveyor may require that a fire drill be held under simulated emergency conditions;

6. Pressure vessels and boilers. Pressure vessels and boilers must be tested and inspected in accordance with 46 United States Code, Subtitle II;

7. Steering systems. A steering system must be appropriate for the service intended. A servo-type power system, such as an orbital system, must be tested and capable of smooth operation by a single individual in the manual mode, with its hydraulic pumps secured;

8. Miscellaneous systems and equipment. All items in the vessel's outfit, such as ground tackle, navigation lights and equipment and markings and placards; and

9. Sanitary conditions. Sanitary conditions and serviceability of quarters, toilet and washing spaces, galleys, serving pantries, lockers and similar spaces.

The accredited marine surveyor shall ensure that there are no unsafe conditions, unsafe practices, fire hazards or other hazardous situations. Required guards and protective devices must be in satisfactory condition. A bilge and other similar space may be examined under this section to ensure there is no excessive accumulation of oil, trash, debris or other matter that may create a fire hazard, clog a bilge pump or block an emergency escape.

An owner or managing operator shall test all systems and make available for inspection every component listed under this section prior to inspection.

§ 13306. Number of individuals permitted

1. Individuals permitted. The accredited marine surveyor conducting an AMSSR shall determine the total number of individuals permitted to be carried on a ferry, including passengers and crew. In determining the total number of individuals permitted to be carried on a ferry, the accredited marine surveyor may consider the ferry's:

- A. Stability restrictions and subdivision requirements;
- B. Route;
- C. General arrangement;
- D. Escape route provisions;
- E. Lifesaving equipment;
- F. Minimum staffing requirements; and
- G. Maximum number of passengers permitted under subsection 2.

2. Maximum number of passengers. The number of passengers permitted on a ferry may not exceed one passenger per 10 square feet of deck area available for passenger use, excluding:

- A. An obstruction, including a stairway or elevator enclosure, an elevated stage, a bar or a cashier stand, but not including a slot machine, table or other room furnishing;
- B. A toilet or washroom;
- C. A space occupied by or necessary for a sail, boom, mast or running rigging or handling lifesaving equipment, anchor equipment or line gear;
- D. A space below deck that is unsuitable for or normally not used by passengers;
- E. An interior passageway less than 34 inches wide or a passageway on an open deck less than 28 inches wide;
- F. A bow pulpit, swimming platform or area that does not have a solid deck, such as netting on a multihulled vessel; and
- G. A deck area in the way of a paddle wheel.

3. Protected waters. For a ferry operated on a short run in protected waters, the accredited marine surveyor may allow an increase in the maximum number of passengers allowed under subsection 2 in an amount determined appropriate by the surveyor.

§ 13307. Operation

1. Navigation underway. A master or mate operating a ferry must be licensed under section 13063 and carry the license onboard whenever operating the ferry. The master or a licensed mate shall control and direct the movement of the ferry at all times. The priority for the master or a licensed mate operating the ferry is the safety of the passengers and crew. In operating a ferry, special attention must be placed on:

- A. The current and direction of the transiting area;
- B. The prevailing visibility and weather conditions;
- C. The density of water traffic;
- D. The potential damage caused by the ferry's wake;
- E. The danger of each closing visual contact;
- F. The ferry's handling characteristics; and
- G. The magnetic variation and deviation errors of the compass.

2. Steering gear, controls and communications system tests. The master shall examine and test the steering gear, signaling whistle, propulsion controls and communications system of the ferry prior to embarking on a voyage or every 24 hours, whichever is more frequent.

3. Ferries carrying vehicles. A motor vehicle or other vehicle must be stowed to permit passengers and crew to get away from the vehicle freely and disembark in the event of an emergency. The deck where a vehicle is stowed must be distinctly marked with lines to indicate the vehicle runway and aisle space. The master shall ensure that a vehicle's motor is turned off and emergency brake is set at all times when the ferry is underway. A vehicle at the end of a line of vehicles or next to a loading ramp must have its wheels securely blocked when the ferry is underway. The master shall have appropriate "No Smoking" signs placed and may not allow smoking, flame or fire in an area where a vehicle is stowed. Prior to embarking on a voyage, the master shall ensure that all vehicles are properly distributed on the ferry.

4. Notice of casualty. If a ferry is involved in a casualty, immediately after addressing safety concerns, the owner, managing operator, master or person in charge of the ferry shall notify the department. A casualty requiring notice under this subsection includes:

- A. An unintended grounding or collision with a bridge;
- B. An intended grounding or collision with a bridge that creates a hazard to navigation, the environment or the safety of the ferry;
- C. The loss of main propulsion, primary steering or any associated component or control system that reduces the maneuverability of the ferry;
- D. An occurrence that materially and adversely affects the ferry's seaworthiness or fitness for service, including but not limited to fire, flooding or failure of or damage to a fixed fire extinguishing system, lifesaving equipment, auxiliary power generating equipment or bilge pumping system;
- E. Loss of life;
- F. An injury that requires professional medical treatment beyond first aid and, if the injured person is engaged in duties or employed on board the ferry, that renders the injured person unfit to perform routine duties; or
- G. An occurrence that causes property damage in excess of \$25,000, including the cost of labor and materials to restore the property to its condition before the occurrence, not including the cost of salvage, cleaning, gas feeing, dry docking or demurrage.

§ 13308. Preparations for emergencies

1. Crew requirements. The owner, managing operator, charterer or master shall instruct each crew member on the duties the crew member must perform in an emergency upon getting underway for the first time on a particular ferry and at least once every 3 months thereafter. Crew training required

under this subsection must be documented in a log, including the date of the training and the general description of the training, and be available for inspection upon request of an accredited marine surveyor performing an AMSSR or the department.

2. Passenger count. The master shall keep a correct, written count of all passengers that embark on and disembark from a ferry. Prior to departing on a voyage, the passenger count must be communicated verbally or in writing to a representative ashore at the ferry's normal berthing location or to a representative of the owner or managing operator of the ferry.

3. Passenger safety orientation. The owner, charterer, managing operator or master shall ensure that bulkhead placards or signs are conspicuously placed bearing the following information:

- A. The location of all emergency exits, survival craft embarkation areas and life buoys;
- B. All stowage locations of personal flotation devices;
- C. The requirement that all passengers don personal flotation devices when instructed by the master or a crew member;
- D. The requirement that all passengers follow instructions by the master or a crew member; and
- E. The location of personal flotation devices.

4. Personal flotation devices. The master shall require a passenger to don a personal flotation device when possible hazardous conditions exist, including but not limited to severe weather, flooding, fire or other condition requiring possible evacuation of the ferry. The master or a crew member shall assist a passenger in obtaining or donning a personal flotation device if necessary. A placard containing instructions for the donning and use of a personal flotation device must be placed in every conspicuous location determined appropriate by the accredited marine surveyor. If there is no suitable location for a placard to be posted, a suitable number of placards must be carried aboard the vessel and be available to a crew member and a passenger for familiarization.

5. Abandon ship and person overboard drills and training. The master shall conduct safety training by holding sufficient drills and give sufficient information to ensure that all crew members are familiar with their duties during an emergency requiring the ferry to be abandoned or the recovery of an individual who has fallen overboard. Training required must be documented and available for review upon request of the accredited marine surveyor or the department. Documentation of training must include the date of the training and a general description of the training. An abandon ship drill must be conducted as far as practicable as if there were an actual emergency and include summoning the crew to report to assigned stations and prepare for assigned duties and checking that all personal flotation devices are correctly donned.

6. Firefighting drills and training. The master shall conduct sufficient firefighting drills to ensure that each crew member is familiar with the crew member's duties in case of a fire. Documentation of training must include the date of the training and general description of the training. A firefighting drill

must be conducted as far as practicable as if there were an actual fire and include summoning the crew to report to assigned stations and prepare for and demonstrate assigned duties and instruction in the use and location of all fire alarms, extinguishers and any other firefighting equipment on board.

Sec. 2. Initial inspection. On the effective date of this Act, a ferry that operates in the waters of the State, except for a ferry operating exclusively on waters that are navigable waters of the United States under the jurisdiction of the United States Coast Guard, must receive an initial inspection and the accredited marine safety survey report under the Maine Revised Statutes, Title 12, section 13304, subsection 2 prior to operating with a passenger on board.

SUMMARY

This bill provides for the regulation of ferries that operate in state waters, not including navigable waters under the jurisdiction of the United States Coast Guard. The provisions of this bill include:

1. The requirement that each ferry be inspected yearly by an accredited marine surveyor;
2. Specific inspection requirements of various components of a ferry;
3. The number of permitted individuals and permitted passengers on a ferry;
4. Safe operation of a ferry while underway; and
5. Preparations for an emergency.